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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/661,578	09/14/2000	Gina C. Eubanks	SONY-50P3806	9174

7590 10/21/2004  
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EXAMINER
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DINH, KHANH Q

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/661,578

Applicant(s)

EUBANKS, GINA C.

Examiner

Khanh Dinh

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2151

**DETAILED ACTION**

1. This is in response to Amendment and Arguments filed on 7/7/2004. Claims 1-30 are presented for examination.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Herman et al., US pat. No.6,341,353.

Art Unit: 2151

As to claim 1, Herman discloses a computer-implemented method for facilitating a transaction between a subscriber (30 fig.2) and a vendor (70 fig.2) through an intermediary (Broker 40 fig.2), said method comprising the steps of:

receiving at said intermediary (40 fig.2) personal information from said subscriber to establish a user account and storing said personal information for subsequent access (using a registration form to identify user information, see fig.2, col.3 line 55 to col.4 line 38 and col.6 lines 2-31).

receiving at said intermediary a request from said subscriber to access (customer access) said user account, whereupon said subscriber's identity is verified by said intermediary against said personal information (validating users, see col.6 lines 32-63).

responsive to successful verification of said subscriber's identity (determining if the transaction of user is valid), said intermediary entering into a transaction with said vendor on behalf of said subscriber pursuant to said subscriber's instruction and notifying said subscriber upon completion of said transaction (issuing an OK or a rejection), wherein said transaction is completed without disclosing said personal information about said subscriber to said vendor (see col.6 line 64 to col.7 line 67).

As to claim 2, Herman discloses preparing an account activity statement for said subscriber, wherein said account activity statement includes information about transactions completed through said user account during a statement period (see fig.7, col.8 line 19 to col.9 line 58).

Art Unit: 2151

As to claim 3, Herman discloses receiving at said intermediary an item ordered from said vendor on behalf of said subscriber pursuant to said subscriber's instruction and billing said subscriber for services (processing customers' ID products) rendered (see fig.7, col.9 line 21 to col.10 line 54 and col.23 line 31 to col.24 line 53).

As to claims 4 and 5, Herman discloses notifying said subscriber upon receipt of said item and holding said item for pick-up by said subscriber and shipping said item to said subscriber (specifying payment and shipping information (see fig.19, col.43 line 4 to col.44 line 64 and col.46 lines 11-60)).

As to claims 6 and 7, Herman discloses receiving at said intermediary a post-delivery request from said subscriber, said post-delivery request relating to said item and handling said post-delivery request on behalf of said subscriber and consisting of a return request, a repair request, an exchange request, a warranty submission request and a rebate request (see fig.19, col.43 line 4 to col.44 line 64 and col.46 lines 11-60).

As to claim 8, Herman discloses maintaining at said intermediary rating information about said vendor; and providing said rating information to said subscriber (see fig.19, col.43 line 4 to col.44 line 64 and col.46 lines 11-60).

Art Unit: 2151

As to claims 9 and 10, Herman discloses providing purchase financing to said subscriber in said transaction over the Internet (60 fig.2) (see fig.2, col.4 lines 7-61).

Claims 11-20 are rejected for the same reasons set forth in claims 1-10 respectively.

Claims 21-28 are rejected for the same reasons set forth in claims 1-7 and 10 respectively.

As to claim 29 and 30, Herman discloses transaction comprising of purchasing an item and a financial transaction (see col.17 lines 24-64 and col.46 lines 11-60).

#### ***Response to Arguments***

4. Applicant's arguments filed on 7/7/2004 have been fully considered but they are not persuasive.

\* Applicants assert that the cited reference does not disclose " transaction is completed without disclosing said personal information about said subscriber to said vendor".

*Examiner respectfully disagrees. Herman discloses that a consumer (user) can make a purchase/transaction through a web site with a user ID only. If the user validation is OK from the Transactor server, the Transactor server allows the downloading the consumer's account information. The consumer then review account information and other communications (see fig.4, col.6 line 42 to col.7 line 46) as rejected above.*

*Therefore, the examiner asserts that cited prior art teaches or suggests the subject matter broadly recited in independent claims 1, 11 and 21.*

*Claims 2-10, 12-20 and 22-30 are also rejected at least by virtue of their dependency on independent claims and by other reasons set forth in the previous office action. Accordingly, claims 1-30 are respectfully rejected.*

### **Conclusion**

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (703) 308-8528. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

Art Unit: 2151

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on (703) 308-6687. The fax phone number for this group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305 -9600.

  
ZARNI MAUNG  
PRIMARY EXAMINER

Khanh Dinh  
Patent Examiner  
Art Unit 2151  
10/14/2004